

City of Taylorsville
CITY COUNCIL MEETING
Minutes

Wednesday, November 17, 2004
Council Chambers
2600 West Taylorsville Blvd., Room No. 140
Taylorsville, Utah 84118

BRIEFING SESSION

Attendance:

Mayor Janice Auger

Council Members:

Chairman Les Matsumura
Vice-Chairman Russ Wall
Council Member Bud Catlin
Council Member Morris Pratt
Council Member Jerry Rechtenbach

City Staff:

John Inch Morgan, City Administrator
John Brems, City Attorney
Virginia Loader, City Recorder
Robin Kishiyama, Council Coordinator
Don Adams, Economic Development Dir.
Mark McGrath, Community Development Dir.
Larry Marx, Chief of Police

BRIEFING SESSION

Chairman Les Matsumura conducted the Briefing Session, which convened at 6:00 p.m. The Council reviewed the Administrative Report for the Community Development Department, after which the agenda was discussed. Mayor Auger reported on the Samoan Heritage Festival, which is usually held at Southridge Park. She relayed that two different groups have contacted the City, each indicating that they are in charge of the event. The groups have not been able to come to an agreement as to who is actually running the Festival. The Mayor has communicated that until an understanding is reached about who is in charge, applications for the event will not be accepted from either group.

REGULAR MEETING

Attendance:

Mayor Janice Auger

Council Members:

Chairman Les Matsumura
Vice-Chairman Russ Wall
Council Member Bud Catlin
Council Member Morris Pratt
Council Member Jerry Rechtenbach

City Staff:

John Inch Morgan, City Administrator
John Brems, City Attorney
Mark McGrath, Community Development Director
Gerry Orr, City Finance Director
Virginia Loader, City Recorder
Robin Kishiyama, Council Coordinator
Larry Marx, Chief of Police
Don Adams, Economic Development Director
Gerd Dixon, City Engineer

Citizens: Heath Lowry, James Lancaster, Amber Westenskow, Barney Boynton, Anna Boynton, Angelo Calacino, Blaine Smith, Ted Jensen, Joan Rushton Carlson, Gary and Heather Barton, Andy Garland, Ken Cook, Gordon Wolf, Katie Larsen, Karma Schmidt, Scot K. Fausett, John E. Gidney, Marty Mankins, Suzan Bukovinsky, Dama Barbour, Harlan Christmas, Robert Arrington, Aimee Newton, Rebecca McPherson

1. WELCOME, INTRODUCTION AND PRELIMINARY MATTERS

18:34:01 Chairman Les Matsumura called the meeting to order at 6:34 p.m. and welcomed those in attendance. He then reviewed the Citizen Comment Procedures for the audience.

1.1 Pledge of Allegiance – Opening Ceremonies – *Councilman Bud Catlin*

Shane Clark, of Boy Scout Troop 241, directed the Pledge of Allegiance.

1.2 Reverence – *Councilman Bud Catlin* (Opening Ceremonies for December 1, 2004 to be arranged by Youth Council)

Daniel Perkins, of Boy Scout Troop 241, offered the Reverence.

1.3 Citizen Comments

18:36:10 Chairman Les Matsumura called for any citizen comments.

18:37:21 Karma Schmidt, Taylorsville High School PTSA President, spoke in regards to Agenda Item 5.1. She described concerns with the appeal relating to Wal-Mart and the proposed traffic light on 5400 South. Ms. Schmidt stated that, due to school-related safety concerns, she is opposed to the store being opened before the light is in place.

18:40:14 Scott Fausett spoke regarding the transition of the Police Department. He said that he has spoken with Salt Lake County Officials and is recommending that the formation of the City's new Police Department be postponed. He suggested that reconsideration be given to renegotiating a contract with the Salt Lake County Sheriff's Department.

There were no additional citizen comments and Chairman Matsumura closed the Citizen Comment period.

1.4 Mayor's Report

18:42:49 Mayor Janice Auger reported on the following:

- A Quarterly Business Roundtable will be held on Friday, November 19, 2004 at 11:30 a.m. in the City Council Chambers. All Council Members are welcome to attend.
- Animal Control Services is currently doing a licensing campaign throughout the Salt Lake Valley.
- Salt Lake County Sanitation will provide curbside Christmas tree pickup this year. The entrance to Valley Regional Park will be blockaded in January, so that people cannot drop their trees off at that location.
- The City has installed a citizen hotline that gives current information and events in regards to the City.
- The Annual Open House for Contract Service Providers will be held on Thursday, December 9, 2004 at the City Center at noon.
- The Mayor reported on the semi-annual usage of free landfill vouchers that were distributed throughout the month of October.
- Mayor Auger concluded by reporting that Tosh Kano's tortoise, E.T., predicts that we will have an early winter with normal snowfall and warmer-than-normal temperatures.

2. REPORTS

2.1 Informational Item Regarding Hiring/Recruitment Practices for the Police Department – *Larry Marx*

18:48:55 Police Chief Larry Marx reviewed proposed hiring procedures and recommended brief changes to the procedures.

18:51:10 Chief Marx then presented a PowerPoint presentation of proposed hiring and recruitment practices for the City's new police department.

Discussion was held and questions were asked in regards to the process being fair and equitable, as well as the potential for revisiting a contract with Salt Lake County and the Sheriff's Office.

Comments were made regarding the new leadership of Salt Lake County. Mayor Auger stated that the learning curve that must occur does not accommodate revisiting the issue with Salt Lake County.

19:00:58 Chief Marx continued with his presentation and addressed questions from the City Council.

19:17:40 It was determined that a Work Session should be scheduled to discuss in detail the issues presented by Chief Marx and to give further direction to him. The meeting was set for Tuesday, November 23, 2004, at 6:00 p.m.

3. APPOINTMENTS

3.1 Economic Development Committee, Ken Cook – *Mayor Auger*

19:23:47 Mayor Auger recognized Ken Cook and nominated him to serve on the Economic Development Committee.

19:24:55 Council Member Russ Wall **MOVED** to appoint Ken Cook as a member of the Economic Development Committee. Council Member Morris Pratt **SECONDED** the motion. Chairman Matsumura called for discussion on the motion. There being none, he called for a vote. The vote was as follows: Catlin-yes, Pratt-yes, Wall-yes, Matsumura-yes, Rechtenbach-yes. **All City Council members voted in favor and the motion passed unanimously.**

4. CONSENT AGENDA 19:25:14

- 4.1 Minutes – RCCM 11-03-04 and CCWS 11-10-04**
- 4.2 Ordinance No. 04-32 – Amending title 13 of the City Code to Regulate the Height, Placement and Construction of Fences within the City – *to be continued to December 15, 2004***
- 4.3 Establish a Time and Place (*December 1, 2004 at 6:30 p.m.*) for a Public Hearing to Consider an Amendment to the Budget for the 2004-2005 Fiscal Year Providing Funding for Police Department Operational Expenses and to Order Notice of Public Hearing to be Published**

19:25:38 Council Member Russ Wall **MOVED** to adopt the Consent Agenda. Council Member Morris Pratt **SECONDED** the motion. Chairman Matsumura called for discussion on the motion. There being none, he called for a roll call vote. The vote was as follows: Catlin-no, Pratt-yes, Wall-yes, Matsumura-yes. Council Member Rechtenbach was out of the room during the vote. The motion passed with a 3 to 1 vote.

5. PLANNING MATTERS

- 5.1 Public Hearing – 6:30 p.m. – Public Hearing of Appeal Filed on Behalf of the Wal-Mart Corporation for Conditional Use Permit on Property Located at 5400 South and Redwood Road – *Mark McGrath***

Community Development Director Mark McGrath illustrated the subject property and provided a brief background on the site.

Community Development Director Mark McGrath relayed that on August 20, 2004, CLC Associates, on behalf of the Wal-Mart Corporation, filed a letter of appeal requesting the removal of condition #13 of their conditional use permit for construction of the Wal-Mart Super Store on Redwood Road. Mr. McGrath cited Condition #13, which states that a Traffic signal at 1500 West and 5400 South shall be installed prior to any type of certificate of occupancy (temporary or final) being issued. Wal-Mart has deemed this condition an unreasonable requirement by the Planning Commission and is asking the Taylorsville City Council to hear the request for appeal.

Mr. McGrath stated that the City's planning staff recommends upholding the Planning Commission's previous decision, based on recommendations and conclusions contained in the transportation study. He stated that Staff also believes the applicant will be able to secure all necessary permits from UDOT for construction of the signalized intersection and complete improvements in a manner compliant with the Planning Commission's condition of approval.

Mr. McGrath addressed questions from the City Council. Mayor Auger clarified that the City will pay for the traffic light.

19:34:57 Additional clarification was provided by Economic Director Don Adams. It was noted that the new Wal-Mart is scheduled to take possession and begin stocking in August, 2005, with a grand opening of the store set for early October, 2005.

19:42:43 Robert Arrington, representing WalMart, addressed the Council and described concerns surrounding the condition imposed by the Planning Commission.

19:44:43 Mr. Adams gave explanation regarding a warrant letter from UDOT.

19:48:31 Chairman Matsumura opened the public hearing on this matter and called for citizen input.

There was no one present wishing to speak in favor.

Chairman Matsumura called for any comments in opposition to this matter.

19:49:13 Dama Barbour spoke regarding safety concerns. She stated that the Planning Commission had no idea the City was planning to pay for the installation of the proposed traffic signal.

19:50:42 Council Member Morris Pratt said that it is a surprise to him that the City is paying for the traffic signal.

19:51:27 Jerry Rechtenbach explained that the concept was approved by the Council as part of the Redwood Road corridor project.

19:56:37 Council Member Russ Wall and Mayor Auger provided additional clarification on the issue.

20:00:02 Taylorsville City resident Marty Mankins inquired about the impact to traffic on 5400 South 1300 West and also asked about the City's decision to pay for the signal.

20:03:58 Angelo Calacino, Chair of the Planning Commission, referenced a letter to the City Council regarding the Planning Commission's position on this matter. He noted several reasons that the Planning Commission's condition regarding the traffic signal should be upheld.

20:08:06 There were no further comments, and Chairman Matsumura declared the Public Hearing closed.

20:08:15 Jerry Rechtenbach commended the Planning Commission members for having the courage to do the right thing and stand behind their position.

20:09:04 Council Member Bud Catlin said that he did not know the City was paying for the traffic signal.

20:10:22 Morris Pratt noted the City's first responsibility to public safety.

Planning Commissioner Blaine Smith asked to address the Council. His request was refused, as the public hearing was previously closed.

20:11:31 Council Member Russ Wall **MOVED** to table this issue until the first meeting in December and that the item be sent back to the Planning Commission for reconsideration as far as a temporary permit that does not allow them to open the store to the public, but does allow them to stock their inventory. Council Member Jerry Rechtenbach suggested amending the motion to direct Staff or Administration to issue the letter to Wal-Mart, indicating that approvals are in place, as previously discussed. Council Member Wall amended his motion accordingly. Council Member Jerry Rechtenbach **SECONDED** the motion. Chairman Matsumura called for discussion on the motion. Council Member Bud Catlin inquired about the need for the matter to go back to the Planning Commission. Mr. Wall made clarification. There being no further discussion, Chairman Matsumura called for a vote. The vote was as follows: Catlin-no, Pratt-no, Wall-yes, Matsumura-yes, Rechtenbach-yes. **The motion carried with a 3 to 2 vote.**

Mayor Auger clarified that the Planning Commission will have to review this matter at their next Work Session, in order to bring it to the City Council at the December 1st meeting.

Council Member Bud Catlin asked the City Finance Director to provide the amount that is in the Redwood Road Project Budget for this year. City Finance Director Gerry Orr that the project is budgeted for \$2,260,000.00.

6. FINANCIAL MATTERS

6.1 Discussion of Proposed Amended Budget for the 2004-2005 Fiscal Year Providing Funding for Police Department Operational Expenses – *John Inch Morgan*

20:16:54 City Administrator John Inch Morgan initiated discussion and reviewed in detail a proposed budget amendment to provide funding for the operational expenses of the new City Police Department.

Police Chief Larry Marx provided additional information. Questions of the Council were addressed.

6.2 Presentation of the Changes to Ordinance No. 04-42 Amending Title 2, Chapter 32 Entitled “Administrative Code” of the City Code of Ordinances to More Accurately Define the Rules Regarding Procurement of Services and Supplies for the City – *John Brems*

20:39:09 City Attorney John Brems presented the proposed changes to Ordinance No. 42 regarding City Rules for Procurement of Services and Supplies.

20:40:19 City Administrator John Inch Morgan described a process that was used in the past to form a pre-qualified Engineering Pool.

20:44:53 Ted Jensen, of the Ordinance Review Committee, presented suggestions compiled by the Committee for procurement procedures and addressed ways to improve Title 2.

20:48:06 Discussion was held regarding a proposal to lower the amount for which a Request for Proposal (RFP) is required. Mayor Auger and Mr. Morgan each voiced concern over this idea.

21:03:37 Mr. Jensen made further comment regarding government standards and improved controls for the City. Mayor Auger expressed appreciation for the Ordinance Review Committee and commented on statements that were made by Mr. Jensen.

21:13:26 Mayor Auger explained the background on the rewrite of the existing ordinance. She described elements in the Code that need to be fixed, either as housekeeping issues or because they put the City at risk.

21:15:26 Council Member Pratt noted the need for a section on Protest and Claims procedures.

21:17:14 Council Member Jerry Rechtenbach **MOVED** to table this item until the December 15, 2004 City Council Meeting, after the suggested changes have been reviewed and compared. Council Member Morris Pratt **SECONDED** the motion. Chairman Matsumura called for discussion on the motion. There being none, he called for a vote. The vote was as follows: Catlin-yes, Pratt-yes, Wall-yes, Matsumura-yes, Rechtenbach-yes. **The motion passed unanimously.**

7. OTHER MATTERS

7.1 Discussion of the Building Use Policy for the Museum – *Council Member Pratt*

21:19:02 Council Member Morris Pratt presented a rough draft on potential policies for use of the Taylorsville Historic Museum. Discussion ensued regarding ideas for the proposed policy. The Mayor stated her satisfaction with the provisions of the policy and suggested patterning it after the format of the existing policy. Questions from the Council were addressed by Mr. Pratt.

7.2 Discussion of the Widening at I-215 to “Restore” the Interchanges at Redwood Road and at 4700 South – *Mayor Auger/Councilman Rechtenbach*

21:30:08 Discussion was held regarding the widening of the I-215 interchanges at Redwood Road and at 4700 South. Mayor Auger asked for direction from the Council in regards to working with UDOT on any type of beautification project at those interchanges.

Council Member Morris Pratt stated his support.

21:37:32 Council Member Jerry Rechtenbach suggested scaling back the plan, submitting an altered plan and pursuing Federal Enhancement funding. The Mayor noted that the deadline for submitting an application for the Enhancement Grant is January 7, 2005. This matter will be addressed at the December Work Session.

8. NEW ITEMS FOR SUBSEQUENT CONSIDERATION (No Action)

21:39:00 Council Member Russ Wall commented on the recent appeal that went to the City Council regarding the Planning Commission’s denial of an Animal Hobby Permit. He described charges that have been made regarding the petition that was originally submitted to the Planning Commission. Mr. Wall submitted a subsequent petition and map to Council Members for informational purposes only.

21:42:02 John Inch Morgan handed out Financial Statements as prepared by City Finance Director Gerry Orr. He also noted that he and Council Member Jerry Rechtenbach recently attended a LARP Committee Meeting where issues surrounding the Off-Leash Park were addressed. Mr. Morgan relayed that it has been proposed to install a temporary fence to limit access to different areas of the park. He noted that some long-term recommendations will be brought back at a later time.

21:44:31 Les Matsumura asked the Council to e-mail matters for discussion to City Council Coordinator Robin Kishiyama for distribution by Monday morning, November 22nd, for the upcoming Work Session.

21:45:07 Mayor Auger inquired as to whether the Naming Committee for the City Museum is close to selecting a name for the Museum. Council Member Pratt said that the committee's recommendations should be submitted by November 26th and can be presented in the December 15th City Council Meeting.

Mr. Pratt asked for any objection to his combining the building use policies into one policy. There was no objection.

Mayor Auger referenced a hand-crafted donation box that is used in the entryway of the Crane House in Riverton.

It was determined that the next Agenda Planning meeting will be moved to the Friday after Thanksgiving, November 26th, at 8:30 a.m.

9. NOTICE OF FUTURE PUBLIC MEETINGS (NEXT MEETING)

- 9.1 City Council Briefing Session – Wednesday, December 1, 2004 – 6:00 p.m.**
- 9.2 City Council Meeting – Wednesday, December 1, 2004 – 6:30 p.m.**
- 9.3 Work Session – Wednesday, December 8, 2004 – 6:00 p.m.**
- 9.4 City Council Briefing Session – Wednesday, December 15, 2004 – 6:00 p.m.**
- 9.5 City Council Meeting – Wednesday, December 15, 2004 – 6:30 p.m.**

10. CALENDAR OF UPCOMING EVENTS

- 10.1 Sat., Dec. 4 – Saturday with Santa at four locations: Noon – Wal-Mart (5469 S. Redwood), 1:00 – Harmon's (5454 S. Redwood), 2:00 – Kmart (3835 W. 5400 S.), 3:00 – Historic Museum (1488 W. 4800 S.)**
- 10.2 Sat., Dec. 4 – "Messiah" Sign-In – 7:00 p.m. – Eisenhower Jr. High (4351 S. Redwood Road)**

11. ADJOURNMENT

Council Member Morris Pratt **MOVED** to adjourn the City Council Meeting. Council Member Bud Catlin **SECONDED** the motion. Chairman Matsumura called for discussion. There being none, he called for a vote. The vote was as follows: Catlin-yes, Pratt-yes, Wall-yes, Matsumura-

yes, Rechtenbach-yes. **All City Council members voted in favor and the motion passed unanimously.** The meeting was adjourned at 9:50 p.m.

Virginia Loader, City Recorder

Minutes approved: CC 12-01-04